

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COURTNEY CARADINE,

Case No. 2:23-cv-00511-ART-EJY

Plaintiff,

ORDER

v.

CLARK COUNTY DETENTION
CENTER, et al.,

Defendants.

I. DISCUSSION

On April 11, 2023, U.S. Magistrate Judge Elayna J. Youchah issued an order denying Plaintiff's application to proceed *in forma pauperis* as incomplete and issued a report and recommendation ("R&R") denying Plaintiff's complaint without prejudice with leave to amend. (ECF No. 3). Plaintiff had until April 25, 2023, to file any objections to the R&R. Plaintiff did not file any objections and instead filed a subsequent application to proceed *in forma pauperis* (ECF No. 5) and a first amended complaint ("FAC") (ECF No. 6).

The Court now denies the R&R as moot because Plaintiff has filed an FAC which is now the operative complaint. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"). The Court will screen the FAC in a separate order pending the resolution of the matter of the filing fee.

Plaintiff's application to proceed *in forma pauperis* (ECF No. 5) is incomplete because Plaintiff did not include a completed financial certificate and an inmate trust fund account statement for the previous six-month period with the application. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by July 17, 2023**.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for

1 filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52
 2 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay
 3 the fees in a civil case may apply to the court for leave to proceed *in forma*
 4 *pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis*
 5 status, the inmate must submit **all three** of the following documents to the Court:
 6 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which
 7 is pages 1–3 of the Court’s approved form, that is properly signed by the inmate
 8 twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the
 9 Court’s approved form, that is properly signed by both the inmate and a prison
 10 or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**
 11 **statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2);
 12 Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of
 13 his or her obligation to pay the filing fee, it just means that the inmate can pay
 14 the fee in installments. *See* 28 U.S.C. § 1915(b).

15 As explained above, Plaintiff’s application to proceed *in forma pauperis* is
 16 incomplete. The Court will therefore deny Plaintiff’s application to proceed *in*
 17 *forma pauperis* without prejudice and grant Plaintiff an extension of time to either
 18 pay the filing fee or file a new fully complete application to proceed *in forma*
 19 *pauperis* with all three required documents.

20 **II. CONCLUSION**

21 It is therefore ordered that Judge Youchah’s Report and Recommendation
 22 (ECF No. 3) is denied as moot.

23 It is further ordered that the application to proceed *in forma pauperis* (ECF
 24 No. 5) is denied without prejudice.

25 It is further ordered that Plaintiff has **until July 17, 2023**, to either pay
 26 the full \$402 filing fee or file a new fully complete application to proceed *in forma*
 27 *pauperis* with all three required documents: (1) a completed application with the
 28 inmate’s two signatures on page 3, (2) a completed financial certificate that is

1 signed both by the inmate and the prison or jail official, and (3) a copy of the
2 inmate's trust fund account statement for the previous six-month period.

3 Plaintiff is cautioned that this action will be subject to dismissal without
4 prejudice if Plaintiff fails to timely comply with this order. A dismissal without
5 prejudice allows Plaintiff to refile the case with the Court, under a new case
6 number, when Plaintiff can file a complete application to proceed *in forma*
7 *pauperis* or pay the required filing fee.

8 The Clerk of the Court is directed to send Plaintiff the approved form
9 application to proceed *in forma pauperis* for an inmate and instructions for the
10 same and retain the FAC (ECF No. 6).

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12 DATED THIS 23rd day of May 2023.

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16 ANNE R. TRAUM
17 UNITED STATES DISTRICT JUDGE
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